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ISSUANCE OF PATENTS TO CERTAIN
LANDS IN OREGON

HEARINGS

BEFORE THE

COMMITTEE ON THE PUBLIC LANDS

HOUSE OF REPRESENTATIVES

ON

S. 3225

PROVIDING WHEN PATENTS SHALL ISSUE TO THE
PURCHASER OR HEIRS OF CERTAIN LANDS
IN THE STATE OF OREGON

JULY 24, 1912

WASHINGTON
GOVERNMENT PRINTING OFFICE
1912

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HOUSE OF REPRESENTATIVES.

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ISSUANCE OF PATENTS TO CERTAIN LANDS IN OREGON.

COMMITTEE ON THE PUBLIC LANDS,
HOUSE OF REPRESENTATIVES,
Washington, D. C., July 24, 1912.

The committee met at 11 o'clock a. m., Hon. Joseph T. Robinson (chairman) presiding, a quorum being present:

Bill under consideration is as follows:

[S. 3225, Sixty-second Congress, second session.]

AN ACT Providing when patents shall issue to the purchaser or heirs of certain lands in the State of Oregon.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all persons who have heretofore purchased any of the lands of the Umatilla Indian Reservation, in the State of Oregon, and have made or shall make full and final payment therefor in conformity with the acts of Congress of March third, eighteen hundred and eighty-five, and of July first, nineteen hundred and two, respecting the sale of such lands, shall be entitled to receive patent therefor upon submitting satisfactory proof to the Secretary of the Interior that the untimbered lands so purchased are not susceptible of cultivation or residence, and are exclusively grazing lands, incapable of any profitable use other than for grazing purposes.

SEC. 2. That where a party entitled to claim the benefits of this act dies before securing a patent therefor, it shall be competent for the executor or administrator of the estate of such party, or one of the heirs, to make the necessary proofs and payments therefor to complete the same; and the patent in such cases shall be made in favor of the heirs of the deceased purchaser and the title to said lands shall inure to such heirs, as if their names had been especially mentioned.

Passed the Senate March 16, 1912.

Attest:

CHARLES G. BENNETT, *Secretary.*
By H. M. ROSE, *Assistant Secretary.*

The CHAIRMAN. This hearing is on S. 3225, by Senator Poindexter, providing when patent shall issue to the purchaser or heirs of certain lands in the State of Oregon. What area of lands will probably be affected by the bill, Mr. Lafferty?

Mr. LAFFERTY. It is only a small portion of one county, lands that the Umatilla Indians did not need, and there was an act passed providing that they might be opened up and sold out to white people in small tracts.

The CHAIRMAN. Have you a copy of that act available?

Mr. LAFFERTY. Here is a report on this bill from Mr. Samuel Adams, Acting Secretary of the Interior Department, under date of August 23, 1911, which states as follows:

The provisions of section 1 of the bill under consideration are contained in the act of Congress approved June 29, 1906 (34 Stat., 611), and merely extend the provisions of the latter act.

The CHAIRMAN. One minute. What does he mean by that? He says provisions contained in the act and merely extended. How extended?

Mr. LAFFERTY. Here is how extended. The first clause of the bill reads: "That all persons who have heretofore purchased," etc. That

is the identical language of the law already on the books, except that that language dates from June 29, 1906, therefore if it is reenacted it will date from the date of its reenactment, and the Secretary in his report states:

The second section provides that where a party who is entitled to the benefits of said acts dies before securing patent for the lands purchased the executor or administrator of his estate, or one of his heirs, shall make the necessary proofs.

Now, all I know of the situation is that the county assessor of Umatilla County, Nelson Strain, has been writing to me ever since I have been here asking me to get this bill passed, extending the provisions of that act of June 25, 1906. He states that that act has been construed to cover only cases where proofs had been made from the date of its enactment, whereas a great many of those purchasers had not yet made proofs and, furthermore, some of the original purchasers have died, and under the original act they can not prove up.

Now, some parties interested wrote to Senator Poindexter, and he introduced the bill in the Senate. I have the identical bill pending here in the House, which I will abandon if this bill is passed.

Mr. MONDELL. Mr. Lafferty, did the law under which these lands were granted or ceded or entered provide for their cultivation?

Mr. LAFFERTY. Yes; the original act under which the lands were ceded and opened was slightly modified by this act of June 25, 1906.

Mr. MONDELL. Well, we are waiving in this act the requirement of cultivation, apparently.

Mr. LAFFERTY. Yes.

Mr. MONDELL. Now, what was that requirement of cultivation in the original act?

Mr. LAFFERTY. The original act required the same amount of cultivation and residence as is required on any homestead.

Mr. MONDELL. Well, there has been no definite requirement of cultivation?

Mr. LAFFERTY. No definite requirement, but required that they should cultivate a portion of the land, and the department has held that they must cultivate a very material part of it; but these are semiarid lands, they are desert lands.

Mr. MONDELL. What has been the holding in this former bill? Are these homestead settlers?

Mr. LAFFERTY. They are purchasers. They paid cash for the land.

Mr. MONDELL. Do they make homestead settlers?

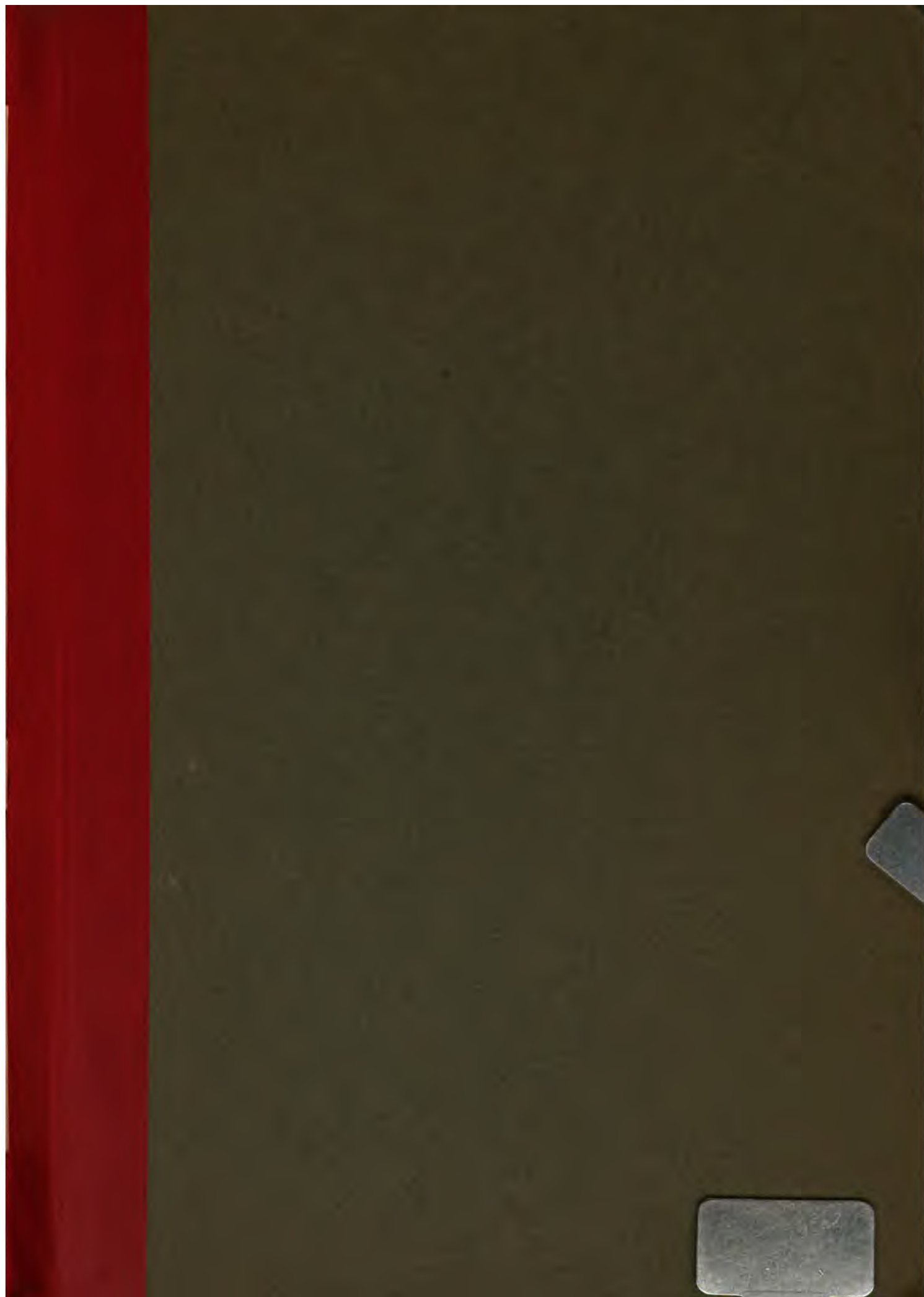
Mr. LAFFERTY. Yes; and have the qualifications of the homestead entrymen.

Mr. MONDELL. How is the department construing this act; that it relieves them from all requirements of cultivation and grazing?

Mr. LAFFERTY. Yes, if they pay cash; but they will not permit this act to apply to purchasers where proofs have not been made prior to the passage of this act of June 29, 1906, and this is merely to extend the provisions of that act, and also take care of those areas of a purchaser who has died in the meantime; and it has passed the Senate, favorably reported by the Interior Department, and only covers a small portion of the land in Umatilla County. They say there is no objection to the bill.

The CHAIRMAN. I think there is nothing further, Mr. Lafferty.

Thereupon, at 11.15 o'clock a. m., the hearing adjourned.



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